

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

JOSIE HAYES,

Plaintiff,

v.

KONE, INC.,

Defendant.

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CIVIL ACTION NO.

SA-06-CV-0319 H

ORDER DENYING MOTION TO COMPEL

The matter before the Court is plaintiff's motion to compel (docket entry 19) and defendant's response thereto (docket entry 22).

By his motion plaintiff asks the Court to compel the defendant's production of documents (two personnel files) and attendance of deposition witnesses in San Antonio.

Plaintiff's motion fails to identify the rule or other authority on which he premises the motion. He also fails to explain whether the documents which he seeks were the subject of a Rule 34 production request or otherwise formally requested through the discovery rules. Local Rule CV-26(a) directs that copies of such requests be attached to motions such as plaintiff's. They were not. Nevertheless, defendant represents that it has now produced these documents. Accordingly, that portion of the motion is DENIED.

Plaintiff also asks that the Court to compel defendant to produce several individuals in San Antonio for deposition. Defendant responds by explaining that only three of those individuals reside in Texas and that those individuals will be produced later this week for deposition. Plaintiff has failed to identify any authority which would require defendant to produce individuals in San Antonio

who do not currently reside here. The motion to compel is accordingly DENIED in this respect as well.

Finally, to the extent the motion seeks sanctions, after reviewing the motion, response and attachments thereto in light of the applicable law, I find that request is without merit and is DENIED. Additionally, defendant's request for costs and attorneys fees is DENIED.

It is so ORDERED.

SIGNED on April 10, 2007.

A handwritten signature in cursive script, reading "Nancy Stein Nowak", is written over a horizontal line.

NANCY STEIN NOWAK
UNITED STATES MAGISTRATE JUDGE